

## REMARKS

Claims 1-20 are currently pending in this application. As a result of the restriction requirement, claims 11-20 have been cancelled without prejudice. Claims 21-28 have been added. No new matter has been added. As a result of the restriction requirement, claims 1-10 and 21-28 will be pending.

### In The Specification

The Applicant has amended the title from "Molded Low Volume Waveguided Optical Format" to "Optical Format".

The Applicants previously claimed priority back to Application No. 60/440,859, which was filed on January 21, 2003 in the declaration. See Exhibit 1. The declaration was submitted within the time period set forth in 37 C.F.R. 1.78(a). The Patent Office acknowledged priority to Application No. 60/440,859 in its filing receipt. See Exhibit 2. The Applicants inadvertently did not include the claimed priority in the first sentence of the specification. The Applicants have added a Cross-Reference to Related Application section that includes the claimed priority to Application No. 60/440,859, as the first sentence of the specification. Pursuant to MPEP 201.11, since the declaration was timely filed and the information concerning the benefit claim was recognized by the Patent Office as shown by its inclusion on the first filing receipt, a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Therefore, the Applicants respectfully request that the Cross-Reference to Related Application to be added to the present application.

### In the Drawing

The Applicants are amending FIGs. 4 and 5 due to a typographical error in the numbering. Specifically, FIGs. 4 and 5 include the number identifier as "34" when it should have been "40". Support for this amendment may be found at, for example, FIG. 1 and page 8, lines 4-8 of the patent application. No new matter is being added. The Applicants are submitted an annotated sheet and a replacement sheet, and respectfully request that these be added to the application.

**Second Information Disclosure Statement (IDS)**

The Applicants previously submitted an IDS on May 13, 2005, and are concurrently submitting a Second IDS herewith. The Examiner is respectfully requested to review the references and make them of record.

**Restriction Requirement**

The Applicants have selected Group I (drawn to claims 1-10). The remaining claims (claims 11-20) have been cancelled without prejudice as a result of the restriction requirement.

**CONCLUSION**

The Applicants submit that the claims are in a condition for allowance and action toward that end is earnestly solicited. It is believed that no fees are due; however, should any fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from the Nixon Peabody Deposit Account No. 50-4181 (247082-000274USPT).

Respectfully submitted,



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ATTORNEY FOR APPLICANTS

ANNOTATED SHEET

Fig. 3

2/2

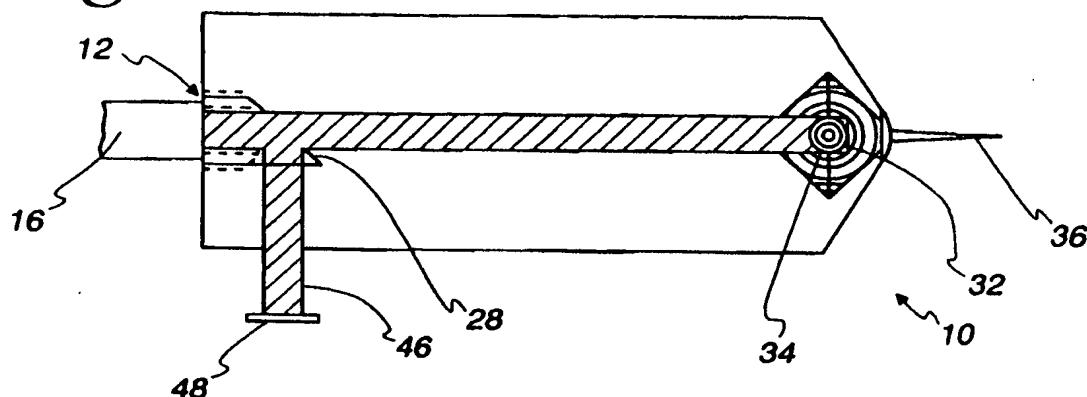


Fig. 4

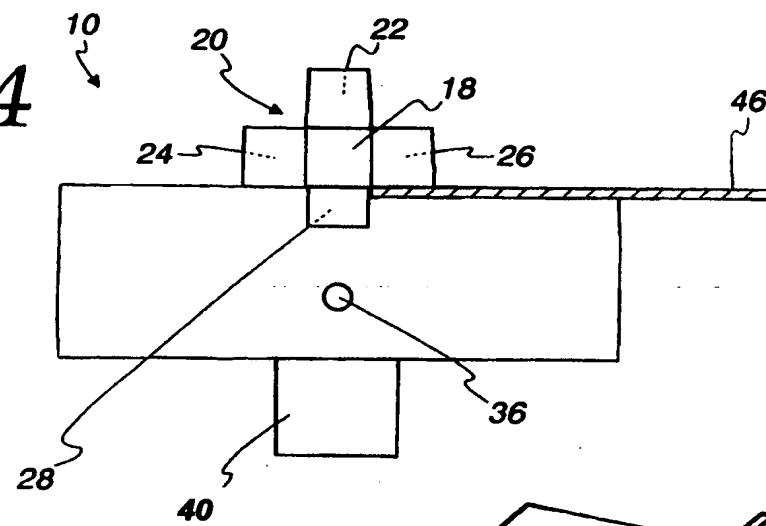
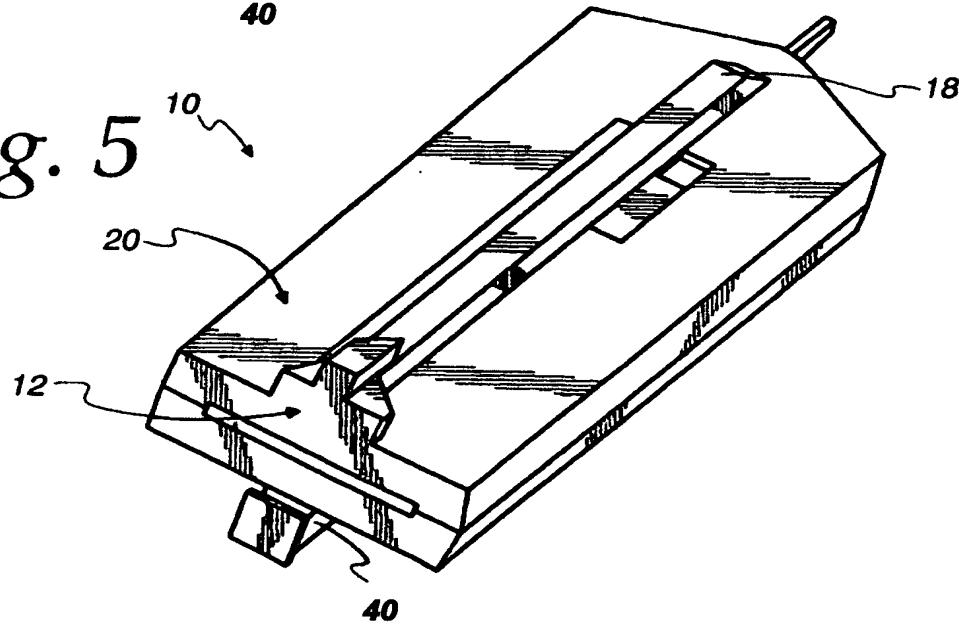


Fig. 5





## DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### MOLDED LOW VOLUME WAVEGUIDED OPTICAL FORMAT

The specification of which

(check one)  is attached hereto.  
 was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional applications(s) listed below.

60/440,859 (Application Number)	January 21, 2003 (Filing Date)
_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose

material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) \_\_\_\_\_ (Filing Date) \_\_\_\_\_ (Status: patented, pending, abandoned) \_\_\_\_\_

(Application Serial No.) \_\_\_\_\_ (Filing Date) \_\_\_\_\_ (Status: patented, pending, abandoned) \_\_\_\_\_

(Application Serial No.) \_\_\_\_\_ (Filing Date) \_\_\_\_\_ (Status: patented, pending, abandoned) \_\_\_\_\_

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor \_\_\_\_\_ ANDREW J. DOSMANN

Inventor's signature \_\_\_\_\_ Andrew J. Dosmann 12-15-03 (Date)

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JL67203  
MSE #2652

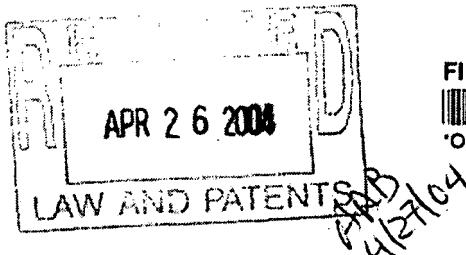


## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/750,271	01/02/2004	1645	856	MSE #2652	2	20	4

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CONFIRMATION NO. 1709  
**FILING RECEIPT**



"OC000000012340623"

Date Mailed: 04/13/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Andrew J. Dosmann, Granger, IN;  
 Frank W. Wogoman, Granger, IN;

**Assignment For Published Patent Application**

Bayer Healthcare LLC;

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 60/440,859 01/21/2003

**Foreign Applications**

If Required, Foreign Filing License Granted: 04/12/2004

Projected Publication Date: 07/22/2004

Non-Publication Request: No

Early Publication Request: No

**Title**

Molded low volume waveguided optical format



Preliminary Class

435

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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**NOT GRANTED**

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